IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8253 of 2005

Between:

T.N. Rajeswarappa S/o Soma Shekarappa
R/o H. NO. 17/21, Kanakanti Street,

Kurnool, Kurnool District

..... PETITIONER

AND

1 The Regional Manager,

APSRTC., Kurnool Region Kurnool,

Kurnool District.
2 The Regional Manager,

APSRTC. Kurnool Division, Kurnool

District.
3 The Depot manager,

APSRTC., Yemmiganur Depot, Kurnool,

Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No. 01/475(2)/97-YMGR, dated 21-09-1997 as illegal, arbitrary and unjust and consequently set a side the proceedings No. 01/475(2)/97-YMGR, dated 21-09-1997 issued by the 3rd Respondent.

Counsel for the Petitioner: Mr. G.RAVI MOHAN, ADVOCATE

Counsel for the Respondents: Mr. P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court, at the stage of admission, made the following:

ORDER:

Questioning the penalty imposed by the 3rd respondent on the petitioner withholding increments with cumulative effect by issuing the impugned proceedings No.01/475(2)/97-YMGR, dated 21-09-1997, the present writ petition is filed.

2. Mr.G.Ravi Mohan, learned counsel appearing for the petitioner contended that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

3. On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1997 and therefore, there are no grounds to interfere with the impugned proceedings.

4. For certain irregularities said to have been committed by the petitioner, a charge sheet dated 27-02-1997 was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority imposed a major penalty of deferment of one annual increment with cumulative effect. Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted back to the Disciplinary authority for passing appropriate orders, the learned counsel appearing fro the petitioner requested this Court to modify the major penalty imposed by the 3rd respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1997, at this point of time, it is not desirable to remit back the matter to the disciplinary authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

5. In the result, the writ petition is disposed of modifying the penalty of deferment of one annual increment with cumulative effect to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs. By virtue of this order petitioner is not entitled to any monetary benefits. **From the date of**

punishment till this date, however, he is entitled for notional calculation.

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(K.C.BHANU,J)

13th April, 2005.

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To

1 The Regional Manager,

APSRTC., Kurnool Region Kurnool,

Kurnool District.

2 The Regional Manager,

APSRTC. Kurnool Division,

Kurnool District.

3 The Depot manager,

APSRTC., Yemmiganur Depot,

Kurnool,

Kurnool District.

4 Two CD copies.